IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

Crl.MC.No. 3529 of 2007()

CRIME NO. 299/07 OF POOJAPPURA POLICE STATION
CMP.3562/2007 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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PETITIONER: PETITIONER

SUDHEESH KUMAR
T.C.19/66 KOLLAMVILAKOM,
THELLIBHAGAM,THIRUMALA VILAGE
THIRUVANANTHAPURAM.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3529 of 2007

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Dated this the 11th day of December, 2007

O R D E R

A Maruti Alto car, of which the petitioner is the owner, was seized by the police on the suspicion that it is involved in the commission of offences. On 28.8.07 the car was allegedly seized. An amount of Rs.1,01,000/- was available in the car. The same was also seized. The petitioner filed application under Section 451 Cr.P.C. for release of the vehicle as also the cash. The learned Magistrate, by the impugned order, directed release of the car, but turned down the prayer for release of the amount.

2. The petitioner claims to be aggrieved by the said order. According to the petitioner there is not a semblance of allegation that the amount which was seized from the car does not belong to the petitioner or that any offence has been committed in respect of that amount. In these circumstances it is totally incorrect and improper to direct retention of the said amount in the custody of Court. Subject to conditions, the said

amount may be directed to be released to the petitioner, it is prayed.

3. Notice was given to the learned Prosecutor. The learned Prosecutor is unable to specify why and for what reason the amounts must be retained in the custody of the Court. In as much as no offence is even allegedly committed in respect of the amount seized and there is no contention that the petitioner has come into possession of that amount in any improper manner so far, I am satisfied that the said amount can be directed to be released to the petitioner, subject to appropriate conditions.

4. This Crl.M.C. is allowed. The said amount of Rs.1,01,000/- shall be released to the petitioner on condition that he executes a bond for the said amount of Rs.1,01,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate, undertaking to pay the amount of Rs.1,01,000/- in court as and when directed by the Court.

(R. BASANT)
Judge

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